REMARKS

In the Office Action dated February 12, 2008, claims 1, 3, 4, 6, 7, 9-12 and 14, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 1, 3-4, 6, 7, 9-12 and 14 remain in this application, claims 2, 5, 23 and 24 have been canceled, claims 8, 13, and 15-22 have been withdrawn, and new claim 25 has been added to the application.

Claims 1, 3-4, 6-7, 9-12 and 14 were objected to due to informalities. Claim 1 has been amended to clarify the structure of the first antigen. In view of these amendments, applicants request that this rejection be withdrawn.

Claims 1, 3-4, 6, 9, 12 and 14 were rejected under 35 USC §102(e) as anticipated by Flavell (U.S. Patent No. 5,618,533). Applicants respectfully point out that Flavell does not describe detection antigens in accordance with formula (Ia) and (Ib) (i.e. multimeric detection antigens comprising several identic epitopes and two or more marker groups). Flavell discloses at col. 9, lines 27-35, a double antigen sandwich test wherein a first labeled flagellin polypeptide and a second flagellin polypeptide bound to a solid phase are used. However, Flavell does not disclose the use of a detection antigen, i.e. a labeled antigen, having the specific structure of formula (Ia) or (1b) and carrying at least two marker groups. In view of the fact that Flavell does not disclose a labeled antigen having the specific structure of formula (Ia) or (1b) and carrying at least two marker groups, applicants request that this rejection be withdrawn.

Claims 1, 3-4, 6-7, 9-12 and 14 were rejected under 35 USC §103(a) as unpatentable over Rejman, Formoso and Watts. The presently claimed invention uses a first (detection) antigen with several identical epitope regions which improves the sensitivity of the test. Applicants contend that neither Rejman, Formoso, nor Watts individually or in combination disclose the use of multimeric detection antigens comprising multiple, identical epitope regions and at least two marker groups in a double antigen bridge test. In the present invention, the first labeled antigen comprises several identic epitope regions and several marker groups. Neither the antigens nor their use are disclosed or suggested in Rejman, Formoso and Watts. The use of the antigen with multiple markers according to the present invention surprisingly results in increased sensitivity and a significant decrease in the hook effect. These advantages are described on page 9, lines 10-19, of the present application. In view of the above discussion, applicants contend that the presently claimed invention is patentable over the combination of Rejman, Formoso and Watts and request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 1, 3-4, 6, 7, 9-12,14 and 25 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event that this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with additional fees that may be due with respect to this paper may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By /Monica Chin Kitts/

Monica Chin Kitts
Attorney for Applicant
Registration No. 36,105
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040

MCK/